

PATENT

WV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
MAY 18 2000

Applicant: Jonathan W. Nyce : Art Unit: 1635  
Serial No.: 09/093,972 : Examiner: J. Epps  
Filed: June 9, 1998 : Appl. Ref. No.: EPI-072

TECH CENTER 1600/2900



For: COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION

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MAY 15 2000  
TECH CENTER 1600/2900



COVER LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir/Madam:

Enclosed for filing are the following:

|   |  |
|---|--|
| 1. Amendment (36 sheets)                    | 8. Form 1449 & references                      |
| 2. Petition: Extension of Time & \$55 check | 9. Power of Attorney (1 sheet)                 |
| 3. Fee Trans. & \$36 check for extra claims | 10. Substitute Utility Application (80 sheets) |
| 4. Assignment, Recordation form & \$40      | 11. Copy of USPTO Notice re: Sequences         |
| 5. Declarations (3)                         | 12. Claim For Priority (1 sheet)               |
| 6. Sequence Listing, Declaration & Disk     | 13. Postcard                                   |
| 7. Terminal Disclaimer & \$55 check         |  |

Respectfully submitted.  
ARTER & HADDEN

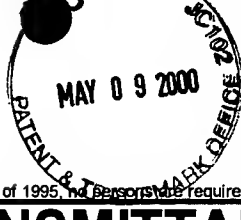
Viviana Amzel, Ph. D.  
Reg. No. 30930  
Attorney for Applicant(s)

May 4, 2000  
Date

Citicorp Building  
725 South Figueroa Street  
Los Angeles, California 90017  
213-430-3520 Direct Ph.  
213-617-9255 Fax

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington D C 20231 on May 4, 2000, by Jenny Wilson.

  
SIGNATURE



PTO/SB/17 (12/99)  
Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$) 186.00

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/093,972       |
| Filing Date          | June 9, 1998     |
| First Named Inventor | Jonathan W. Nyce |
| Examiner Name        | Janet Epps       |
| Group / Art Unit     | 1635             |
| Attorney Docket No.  | EPI-072          |

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 01-2520

Deposit Account Name Arter & Hadden, LLP

☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 690                    | 201 345                    | Utility filing fee     |          |
| 106 310                    | 206 155                    | Design filing fee      |          |
| 107 480                    | 207 240                    | Plant filing fee       |          |
| 108 690                    | 208 345                    | Reissue filing fee     |          |
| 114 150                    | 214 75                     | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid  |
|--------------------|--------------|----------------|-----------|
| 218                | -20** = 4    | X 9            | = \$36.00 |
| Independent Claims | - 3** =      | X              | =         |
| Multiple Dependent |              |                | =         |

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description                                    |
|----------------------------|----------------------------|--|
| 103 18                     | 203 9                      | Claims in excess of 20                             |
| 102 78                     | 202 39                     | Independent claims in excess of 3                  |
| 104 260                    | 204 130                    | Multiple dependent claim, if not paid              |
| 109 78                     | 209 39                     | ** Reissue independent claims over original patent |

110 18 210 9 \*\* Reissue claims in excess of 20 and over original patent

\*\*111 new claims - 107 old claims = 4 extra

SUBTOTAL (2) (\$) 36.00

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 130                    | 205 65                     | Surcharge - late filing fee or oath  |          |
| 127 50                     | 227 25                     | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130                    | 139 130                    | Non-English specification  |          |
| 147 2,520                  | 147 2,520                  | For filing a request for reexamination                                     |          |
| 112 920*                   | 112 920*                   | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*                 | 113 1,840*                 | Requesting publication of SIR after Examiner action                        |          |
| 115 110                    | 215 55                     | Extension for reply within first month                                     | 55.00    |
| 116 380                    | 216 190                    | Extension for reply within second month                                    |          |
| 117 870                    | 217 435                    | Extension for reply within third month                                     |          |
| 118 1,360                  | 218 680                    | Extension for reply within fourth month                                    |          |
| 128 1,850                  | 228 925                    | Extension for reply within fifth month                                     |          |
| 119 300                    | 219 150                    | Notice of Appeal   |          |
| 120 300                    | 220 150                    | Filing a brief in support of an appeal                                     |          |
| 121 260                    | 221 130                    | Request for oral hearing   |          |
| 138 1,510                  | 138 1,510                  | Petition to institute a public use proceeding                              |          |
| 140 110                    | 240 55                     | Petition to revive - unavoidable   |          |
| 141 1,210                  | 241 605                    | Petition to revive - unintentional   |          |
| 142 1,210                  | 242 605                    | Utility issue fee (or reissue)   |          |
| 143 430                    | 243 215                    | Design issue fee   |          |
| 144 580                    | 244 290                    | Plant issue fee  |          |
| 122 130                    | 122 130                    | Petitions to the Commissioner  |          |
| 123 50                     | 123 50                     | Petitions related to provisional applications                              |          |
| 126 240                    | 126 240                    | Submission of Information Disclosure Stmt                                  |          |
| 581 40                     | 581 40                     | Recording each patent assignment per property (times number of properties) | 40.00    |
| 146 690                    | 246 345                    | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149 690                    | 249 345                    | For each additional invention to be examined (37 CFR § 1.129(b))           |          |

Other fee (specify) Terminal Disclaimer Fee

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Viviana Amzel, Ph.D.

Registration No. (Attorney/Agent) 30,930

## Complete (if applicable)

Telephone (213) 430-3520

Signature

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

739995804

EPI-072

In re Application of: Jonathan W. Nyce / EpiGenesis Pharmaceuticals, Inc.

For: COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &  
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH...

Serial No.: 09/093,972

Filed: June 9, 1998

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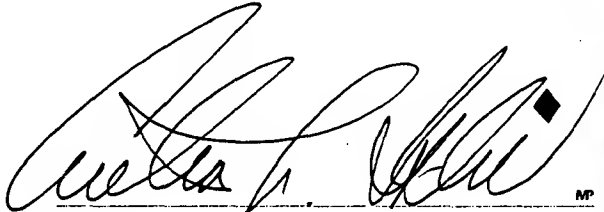
The U.S. Patent and Trademark Office Mail Room stamp hereon acknowledges receipt of the items indicated above on the date shown.

Mailed: May 4, 2000

by Viviana Amzel, Ph.D.

EPI-072

Amendment 5/4/00  
USSN 09/093,972  
Applicant: Jonathan Nyce, EpiGenesis  
Appl. Atty: Viviana Amzel, Ph.D. (213) 430-352

|  |   |   |
|--|---|---|
| <b>ARTER &amp; HADDEN LLP</b><br>DOCKET ACCOUNT<br>725 S. FIGUEROA ST., NO. 3400 213-430-3000<br>LOS ANGELES, CA 90017 | <b>UNION BANK OF CALIFORNIA</b><br><small>LOS ANGELES MAIN #113<br/>445 S. FIGUEROA ST., LOS ANGELES, CA 90071<br/>800 238 4486</small> | <b>19359</b><br><br><small>16-49/113<br/>1220</small>                                     |
| DATE <u>05/04/00</u>   |   |   |
| PAY <u>Thirty-six and xx/00</u>  |   | DOLLARS \$ <u>36.00</u>   |
| TO<br>THE<br>ORDER<br>OF<br><br>Assistant Commissioner of Patents  |   | <br>MP |
| ⑈019359⑈ ⑆122000496⑆ 0320044863⑈   |   |   |

ARTER & HADDEN LLP

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM WVC-4 V-2

| DATE     | DESCRIPTION                 | AMOUNT  |
|----------|-----------------------------|---------|
| 05/04/00 | Extra Claims<br>73999/95804 | \$36.00 |